

TENNESSEE GENERAL ASSEMBLY  
FISCAL REVIEW COMMITTEE



**FISCAL NOTE**

**SB 311 - HB 402**

March 24, 2017

**SUMMARY OF BILL:** Authorizes juvenile courts to transfer a child who was less than 16 years of age at the time of the alleged conduct to a criminal court of competent jurisdiction if such child is charged with the offense of commission of an act of terrorism.

**ESTIMATED FISCAL IMPACT:**

**Increase State Expenditures - \$37,100/Incarceration\***

Assumptions:

- Tennessee Code Annotated § 39-13-803 defines an act of terrorism as any violation of law intended, directly or indirectly, to (a) intimidate or coerce a civilian population; (b) influence the policy of a unit of government by intimidation or coercion; or (c) affect the conduct of a unit of government by murder, assassination, torture, kidnapping, or mass destruction.
- The proposed legislation adds the commission of an act of terrorism under Tenn. Code Ann. § 39-13-805 to the list of offenses for which a juvenile may be tried as an adult.
- Statistics from the Department of Correction (DOC) show only one admission under Tenn. Code Ann. § 39-13-805 in the last ten years.
- It is assumed that the proposed legislation will result in one juvenile every 10 years being tried as an adult.
- Under Tennessee Code Annotated § 37-1-134, any juvenile under the age of 16 who is convicted of a felony must be housed in a juvenile correctional facility until the age of 16, at which time the court may order the juvenile transferred to an adult facility. Under Tennessee Code Annotated § 37-1-134, any juvenile 16 years of age or older who is convicted of a felony is to be housed in a juvenile correctional facility unless the court orders admission into an adult facility. It is assumed for purposes of this fiscal note that all juveniles will be housed in a juvenile correctional facility until they are 18 years old, as they currently would be as a delinquent.
- It is assumed that any juvenile convicted as an adult under the proposed legislation will be 16 years of age at the time of conviction.
- An act of terrorism is a class A felony, for which the average time served is 16.79 years. However, because the juvenile will spend two years in a juvenile detention center, the proposed legislation will result in each juvenile serving 14.79 years in DOC custody.
- According to the DOC, the average operating cost per offender per day for calendar year

2017 is \$68.75.

- Population growth will not impact the proposed legislation. A recidivism discount does not apply because these are new admissions.
- The maximum cost in the tenth year, as required by Tenn. Code Ann. § 9-4-210, is based on one juvenile every ten years serving 14.79 years (5,402.05 days) for an annualized cost of \$37,139 [(\$68.75 x 5,402.05 days) / 10].

*\*Tennessee Code Annotated, Section 9-4-210, requires that: For any law enacted after July 1, 1986, which results in a net increase in periods of imprisonment in state facilities, there shall be appropriated from recurring revenues the estimated operating cost of such law. The amount appropriated from recurring revenues shall be based upon the highest cost of the next 10 years.*

## **CERTIFICATION:**

The information contained herein is true and correct to the best of my knowledge.

A handwritten signature in blue ink that reads "Krista M. Lee". The signature is written in a cursive, flowing style.

Krista M. Lee, Executive Director

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